

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
FOURTH JUDICIAL DISTRICT AT FAIRBANKS

CHANTEL SHARAE LOUISE BEETUS,)

Plaintiff,)

v.)

DENA' NENA' HENASH d/b/a Tanana)
Chiefs Conference; TANANA TRIBAL)
COUNCIL; the NATIVE VILLAGE OF)
TANANA; and ERIC ADAMS, individually)
and as an agent/ employee of other)
Defendants.)

Defendants.)

Case No. 4FA-_____

COMPLAINT

COMES NOW the Plaintiff by and through counsel, Phillip Paul Weidner and Associates, and Susitna Law, LLC, and hereby states, claims, pleads and alleges as follows:

PARTIES AND RELEVANT ENTITIES

1. Plaintiff CHANTEL SHARAE LOUISE BEETUS ("Chantel Beetus") is a resident of Fairbanks, Alaska. Chantel Beetus was born August 4, 2000.

2. DENA' NENA' HENASH is a non-profit corporation organized and in good standing under the laws of the State of Alaska with its principal place of business in Fairbanks. The English language name for Dena' Nena' Henash is

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SUSITNA LAW, LLC
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TANANA CHIEFS CONFERENCE ("TCC") as set out in its articles of incorporation. The entity will be referred to herein by its English language name.

3. TANANA TRIBAL COUNCIL ("TTC") is a governing body made up of and providing governance to the Native Alaskans in the area of the Native Village of Tanana, Alaska.

4. NATIVE VILLAGE OF TANANA is a native community in Tanana, Alaska whose members are governed by the Tanana Tribal Council.

5. Upon information and belief, at all times pertinent hereto ERIC ADAMS was a resident of the State of Alaska. ADAMS is named individually, and as an agent and/or employee of certain of the other named Defendants.

JURISDICTION AND VENUE

6. Jurisdiction in this court is proper under Alaska Statute 22.10.020. Venue is proper in Fairbanks since the Plaintiff and certain relevant witnesses reside in Fairbanks, and Fairbanks is the principal place of business for the Tanana Chiefs Conference and the Tanana Tribal Council.

FACTS RELEVANT TO ALL CLAIMS

7. Chantel Beetus attended the Denaa Kkoykaa Hodok Deleehdenh Culture Camp on an island in the Yukon River about 16 miles above Tanana, Alaska, in June 2017. The Camp was one of the Tanana Chiefs Conference's Cultural & Wellness Camps, hosted by the Tanana Tribal Council between June 26-July 2, 2017. A flyer advertising the Camp is attached as Exhibit A.

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8. The Cultural & Wellness Camps Program, upon information and belief, was a program involving numerous camps conducted by the Tanana Chiefs Conference, and the Denaa Kkoykaa Hodok Deleehdenh Culture Camp was a part of that program and was hosted by the Tanana Tribal Council, pursuant to moneys obtained by the Tanana Chiefs Conference from the United States Government, such that Eric Adams should be deemed an agent of both Tanana Tribal Council and Tanana Chiefs Conference and/or other named Defendants during the events set out herein.

9. On or about June 29, 2017 when she was 16 years old, Chantel Beetus was sexually assaulted by Eric Adams. Chantel Beetus was subjected to non-consensual digital, oral and penile penetration of her vagina by Eric Adams. At that time Chantel Beetus was attending the Denaa Kkoykaa Hodok Deleehdenh Culture Camp promoted by the Tanana Chiefs Conference and the Tanana Tribal Council.

10. As a minor attending a Tanana Chiefs Conference and/or Tanana Tribal Council camp, she was owed all duties as provided by law, including but not limited to the doctrine of *in loco parentis*. That is, Chantel Beetus, while she was a Culture & Wellness Camp camper, and at the time of said sexual assaults, was within Tanana Chiefs Conference and/or Tanana Tribal Council's and/or certain other Defendants' temporary custody, and they were functioning in place of her parents.

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11. Tanana Chiefs Conference and/or Tanana Tribal Council and/or certain other Defendants jointly promoted and held the Culture & Wellness Camp. Tanana Chiefs Conference's and/or Tanana Tribal Council's and/or certain other Defendants' failures, include, among other things, the lack of adequate and proper guidelines and planning for the Culture & Wellness Camp, the lack of adequate and proper hiring and supervision of the Culture & Wellness Camp boat driver Eric Adams and other employees with supervisory powers over Chantel Beetus, the lack of proper safeguards for the protection of the campers, and the ignoring of warning signs of inappropriate conduct and behavior by Culture & Wellness Camp employees and/or agents and/or apparent agents. These failures allowed Eric Adams to sexually assault Chantel Beetus.

12. Eric Adams transported campers such as Chantel Beetus to and from the Camp and the island from the Native Village of Tanana, in the Tanana Tribal Council's or Native Village of Tanana's boat. Leading up to, during, and after the assault, Eric Adams was acting in the course and scope of his employment as an employee and/or agent and/or apparent agent of Tanana Chiefs Conference and/or Tanana Tribal Council and/or certain other Defendants. The Native Village of Tanana is liable due to its relationship to the other Defendants and the culpable conduct at issue including but not limited to ownership, control and use of the boat.

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13. During one or more of those excursions, the sexual assault of Chantel Beetus occurred. Eric Adams abused his position as boat driver for the Camp and/or the Native Village of Tanana to isolate and sexually assault Chantel Beetus

14. Eric Adams' duties involved transporting the minor Chantel Beetus in connection with participation in the Culture & Wellness Camp. Abusing his control over the minor Chantel Beetus for such transport, he sexually assaulted her. The organizations and/or certain Defendants are liable either under the doctrine of respondeat superior and/or under the doctrines of inadequate security, screening, training, supervision of employees and/or agents. Said entities or individuals also inadequately supervised campers, inadequately provided orientation including failure to provide proper warnings to campers, and inadequately identified dangers including known or suspected sexual predators in the community such as Eric Adams.

15. Tanana Chiefs Conference and/or Tanana Tribal Council's and/or certain other Defendants' failures included the lack of adequate proper guidelines and planning for the Culture & Wellness Camp, the lack of adequate proper hiring and supervision of the culture and wellness camp boat driver, the lack of proper safeguards for the protection of the campers, and ignoring the warning signs of inappropriate conduct and behavior of Eric Adams towards the campers and towards Plaintiff. This allowed Eric Adams to sexually assault Chantel Beetus. At the Culture & Wellness Camp, Eric Adams was observed to be focusing on Chantel

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Beetus. If one person saw Eric Adams, "checking out" Chantel Beetus as his next potential victim, others, including those with the duty to provide the minor campers a safe camp and those who owed a duty to supervise not only the campers, but also camp employees and any and all other people in the camp or to guard against any potential sexual predator in the vicinity of the camp, should have taken action to protect the then minor Chantel Beetus from a sexual predator.

16. It was part of the duty and obligation of the Culture & Wellness Camp and its sponsors to exercise care for the safety of their minor campers. The duty to exercise care for the safety and well-being of cultural wellness camp attendees can only be accomplished if what is there to be seen is seen, and once seen acted upon, and if there are appropriate policies and procedures in place to protect campers, to provide for safe and adequate egress and ingress to and from the campgrounds and to provide that any and all individuals that will be providing transportation to and from the campgrounds have been properly vetted and/or campers provided with chaperones to provide for their safety at all times. There was a failure to exercise care for the safety of Chantel Beetus by Tanana Chiefs Conference and/or Tanana Tribal Council and/or certain other Defendants.

17. The minors that were solicited to attend a Culture & Wellness Camp deserve reasonable guidelines and planning for their protection and safety to be implemented and enforced. It was Tanana Chiefs Conference and/or Tanana Tribal Council's and/or certain other Defendants' legal obligation and responsibility to

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provide it, which was not done. This responsibility included their duties as acting *in loco parentis* to all minors attending the camp.

18. Implicit in the name Culture & Wellness Camp is the understanding that the camp promotes the cultural values of the Tanana Chiefs Conference and the Tanana Tribal Council and the Native Village of Tanana and this is incongruous with an environment that allowed the opportunity for a 29-year-old adult male under the guise of providing transportation with a Tanana Tribal Council or Native Village of Tanana boat, which bore the markings of "Tanana Tribal Council" or "Native Village of Tanana" or "Tanana Village" to sexually assault an unsuspecting minor attending the camp who was seeking transportation back to the camp by someone with the authority or apparent authority to provide such transportation for the minor camper Chantel Beetus.

19. Eric Adams had possession of the Tanana Tribal Council or Native Village of Tanana boat and control of the means of ingress and egress to the Camp.

20. Chantel Beetus had expected that Eric Adams would provide her transportation back to the camp in the Tanana Tribal Council or Native Village of Tanana boat. He took that opportunity to sexually assault Chantel Beetus. He had authority and/or apparent authority to represent Tanana Chiefs Conference and/or Tanana Tribal Council and/or certain other Defendants. Furthermore, on information and belief, there were individuals that knew or suspected that Eric Adams was a sexual predator and steps should have been taken by Tanana Chiefs

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Conference and/or Tanana Tribal Council and/or certain other Defendants to prevent a sexual predator access to minor campers, such as Chantel Beetus.

21. Given the location of the camp on an island in the Yukon River, the influx of minors away from home, and the *in loco parentis* responsibility of Tanana Chiefs Conference and/or Tanana Tribal Council and/or certain other Defendants, the Tanana Chiefs Conference and/or Tanana Tribal Council and/or certain other Defendants had responsibility to guard against known or suspected sexual predators in the vicinity of the camp for the protection of the minors, including Chantel Beetus.

22. Sexual assault is dehumanizing, and its long-term effects include, among other things, loss of self-esteem, depression, withdrawal/isolation, disassociation, anxiety and a sense of helplessness. Chantel Beetus was a minor at the time of the assaults and has incurred a psychological trauma that will be with her for the rest of her life. Tanana Chiefs Conference and/or Tanana Tribal Council's and/or certain other Defendants' failure to provide for the safety of its campers, such as Chantel Beetus, could reasonably foresee that she will have psychological trauma for the rest of her life, including lower self-esteem, depression, withdrawal/isolation, dissociation, anxiety and a sense of helplessness, as well as the associated medical expenses and lost earnings. Upon information and belief, she will need psychological counseling for the foreseeable future.

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23. Plaintiff hereby reserves the right to name additional Defendants or causes of action as appropriate in light of ongoing discovery, and to file an amended complaint.

CAUSES OF ACTION

FIRST CAUSE OF ACTION-NEGLIGENCE

24. Plaintiff hereby realleges, repleads, recomplains, and restates as her causes of action herein paragraphs 1 through 23 above as though fully set forth herein.

25. The Defendants' conduct was culpable, was negligent, and a substantial factor in causing Plaintiff's injuries.

SECOND CAUSE OF ACTION - RESPONDEAT SUPERIOR

26. Plaintiff hereby realleges, repleads, recomplains, and restates as her causes of action herein paragraphs 1 through 25 above as though fully set forth herein.

27. As to the entities or persons herein who are employees and/or agents and/or partners and/or associates of the Tanana Chiefs Conference and/or Tanana Tribal Council and/or certain other Defendants at the time of the culpable conduct, the Tanana Chiefs Conference and/or Tanana Tribal Council and/or certain other Defendants who were employers and/or principals and/or partners and/or associates and/or parent corporations or entities or governing entities with control over its subsidiary or affiliated entity that directly was engaged in the culpable conduct, i.e.

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culpable acts and/or failure to act, are liable due to respondeat superior and/or failure to supervise and/or train and/or negligent hire.

28. Tanana Chiefs Conference and/or Tanana Tribal Council and/or certain other Defendants, are responsible and liable for the actions of Tanana Chiefs Conference's and/or Tanana Tribal Council's and/or certain other Defendants' directors, officers, employees, agents, and/or those acting with the apparent authority of Tanana Chiefs Conference and/or Tanana Tribal Council and/or certain other Defendants. In addition, Tanana Chiefs Conference and/or Tanana Tribal Council and/or certain other Defendants are liable for other entities controlled by Tanana Chiefs Conference and/or Tanana Tribal Council and/or certain other Defendants that were engaged in the culpable conduct, i.e. culpable acts and/or failure to act, and/or failure to supervise and/or failure to protect and/or negligent hiring, due to respondeat superior.

THIRD CAUSE OF ACTION – NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

29. Plaintiff hereby realleges, repleads, recomplains, and restates as her causes of action herein paragraphs 1 through 28 above as though fully set forth herein.

30. The negligent and/or reckless actions of the Defendants caused foreseeable physical injury and severe emotional distress of the Plaintiff and she continues to suffer from same. Furthermore, the actions of the Defendants caused and are still causing emotional distress to Plaintiff.

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**FOURTH CAUSES OF ACTION – NEGLIGENT ENTRUSTMENT/NEGLIGENT
HIRE/NEGLIGENT SUPERVISION/NEGLIGENT TRAINING**

31. Plaintiff hereby realleges, repleads, recomplains, and restates as her causes of action herein paragraphs 1 through 30 above as though fully set forth herein.

32. The actions of the Defendants in hiring Eric Adams and allowing him access to Chantel Beetus and similar minors, on information and belief, without reviewing, discovering and/or addressing his criminal history or evaluating and/or discovering and/or addressing his pedophilia or propensities, and placing him in a position with unsupervised access to and control over minors and their means of ingress and egress to the Culture & Wellness Camp, failing to adequately train their employees and/or agents regarding, among other things, the recognition, discovery, and prevention of sexual abuse of children at the Culture & Wellness Camps, and other matters as alleged herein, failing to supervise its employees and/or agents and/or volunteers, and permitting Eric Adams to be left alone with Chantel Beetus and the failure to take remedial and/or protective acts, after actual and/or constructive notice of Eric Adams propensity to sexually assault others, are culpable. Tanana Chiefs Conference and/or Tanana Tribal Council and/or certain other Defendants were negligent and conducted numerous torts.

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FIFTH CAUSE OF ACTION – UNRESTRICTED DAMAGES

33. Plaintiff hereby realleges, repleads, recomplains, and restates as her causes of action herein paragraphs 1 through 32 above as though fully set forth herein.

34. Due to the nature of the culpable conduct of the Defendant and the degree of culpability, any Alaska statutory CAP(s) on compensatory damages are inapplicable to limit any jury verdict or judgment. In any event, any such CAP(s) are unconstitutional.

SIXTH CAUSE OF ACTION

35. Plaintiff hereby realleges, repleads, recomplains, and restates as her causes of action herein paragraphs 1 through 34 above as though fully set forth herein.

36. The conduct of Eric Adams constituted numerous acts of sexual assault resulting from numerous torts by the Defendants with no caps on damages (or at a minimum separate caps for each assault/digital/penile/oral penetration of Plaintiff's vagina), and with separate and cumulative damages due for each culpable act, including separate and cumulative compensatory damages.

SEVENTH CAUSE OF ACTION – PUNITIVE DAMAGES

37. Plaintiff hereby realleges, repleads, recomplains, and restates as her causes of action herein paragraphs 1 through 36 above as though fully set forth herein.

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38. The conduct of certain of the Defendants was with willful indifference to the interests of the Plaintiff and calls for the imposition of punitive damages in an appropriate amount to chill and deter such future conduct and with due regard to the culpable nature of the conduct and the net worth of each Defendant.

PRAYER FOR RELIEF

Wherefore, Plaintiff seeks the following relief:

- A. Compensatory damages in excess of \$100,000.00 (one hundred thousand dollars), the exact amount to be proven at trial.
- B. For appropriate prejudgment and post judgment interest in the maximum amount allowed by law.
- C. An award of costs, interest, and attorney fees, as the court may deem just and equitable.
- D. An award of punitive damages in addition to compensatory damages in an amount as requested in this Complaint, separately as to each individual Defendant.
- E. Trial by jury of all issues so triable.

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RESPECTFULLY SUBMITTED this 31st day of July, 2020.

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RESPECTFULLY SUBMITTED this 31st day of July, 2020.

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Dena'a Kkoykaa Hedok Deleehdenh *Culture Camp*

"Where our Children Come to Learn"

"Our goal is to teach values that stress the importance of respecting others and ourselves while respecting the environment around them. These values have been passed down from our ancestors and we need to continue sharing these values with our youth and families."

Located on an island on the Yukon River about 16 miles above Tanana

All ages welcome. Anyone under the age of 10, must have their own chaperone. Open to the Yukon-Tanana Sub-Region (including Fairbanks)
Some travel assistance available!

Activities Include:

Fishing & Processing Salmon
Teaching Dennekkee (The Language)
Prevention and Wellness
Healthy Parenting & Families Classes

Camp Date:

Application Deadline: June 16th, 2017

June 26-July 2, 2017 (travel days: June 25 & July 3)

Questions?

Please contact Phyllis Erhart at the Tanana Tribal Council Office at 907-366-7160 Ext 231 or by email phyllis@tanana-tribe.org



**Tanana
Chiefs
Conference**

Exhibit A.D.1

EXHIBIT

Culture & Wellness Camps

Tanana-AK

Each subregion will host two camps per year for the next 5 years and we look forward to developing the Camps with the heads of the tribes and their direction and input.

The first of Tanana Chiefs Conference's Culture & Wellness Camps of 2017 was hosted by Tanana. Called, "Denaa Kkoykka Hedok Deleehdenh," the goal of the camp was to teach values that stress the importance of respecting others and ourselves while respecting the environment around our youth. These are important values that have been passed down from our ancestors and will be shared for generations to come.

The camp was a success and we look forward to the others being held throughout the TCC Region. For more information on upcoming camps, visit our website at www.tananachiefs.org/culture-and-wellness-camps

2017 TCC Culture & Wellness Camps:

YUKON TANANA

1. June 26th-July 2nd in Tanana
2. July 23rd-28th in Minto

LOWER YUKON

1. August 27th-31st in Arvik
2. Holy Cross - Date TBD

YUKON KOYUKUK

1. Ruby - TBD
2. TBD

YUKON FLATS

1. July 17th - 24th in Fort Yukon
2. August 16th-20th in Arctic Village

UPPER KUSKOKWIM

1. Takotna - Date TBD
2. Nikolai - Date TBD

UPPER TANANA

1. TBD
2. TBD



EXHIBIT



This summer marked the launch of the first Culture and Wellness Camps funded by Tanana Chiefs Conference (TCC). The Culture and Wellness camps are part of an initiative set forth through TCC's 2016-2020 Strategic Plan to promote health and wellness through cultural activities. It was also featured in the Reclaiming Our People Initiative, which launched this summer.

The Culture & Wellness Camps are village driven and coordinated with support from TCC Staff. TCC recently

hired a Culture & Wellness Camp Manager, Tonya Garnett who hit the ground running and has already seen a successful startup of camps this summer.

These camps are made possible through funding from TCC and the Administration for Native Americans. This is an important part of TCC's Strategic Plan and is another way in which TCC is preserving our

culture and way of life for generations to come.

Each camp will include a wellness component including presentations on topics such as health marriages, parenting, suicide prevention and more. The camps will also include cultural components such as language, building fish wheels and cutting fish.

Continued on page 4.

TCC Welcomes New Culture Camp Manager

TCC is happy to welcome our new Culture & Wellness Camp Manager, Tonya Garnett. Tonya is originally from Arctic Village, and now lives in Fairbanks with her 5-year old son Ashton. A graduate of UAF and previously worked for TCC, Fairbanks Native Association, Arctic Village Council, Three Star Enterprises, and Boyce Foundation.

"I am really excited to be in this position as the TCC Culture & Wellness Camp Manager and assisting villages in teaching positive and finality skills through our culture. The teachings we learn from our Elders are treasures and can help us in living positive healthy lives."

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EXHIBIT

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CHANTEL SHARAE LOUISE BEETUS,)

Plaintiff,)

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and as an agent/ employee of other)
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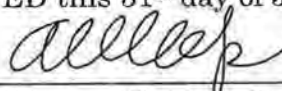
Defendants.)

Case No. 4FA-_____

DEMAND FOR JURY TRIAL

COMES NOW the Plaintiff by and through counsel, Phillip Paul Weidner and Associates, and Susitna Law, LLC, and hereby demands a trial by jury in this action regarding each issue so triable pursuant to her civil jury trial rights under the Seventh Amendment of the U.S. Constitution and Article I Section 16 of the Alaska Constitution, and her due process rights under the Fifth and Fourteenth Amendment of the U.S. Constitution and Article I Section 7 of the Alaska Constitution.

RESPECTFULLY SUBMITTED this 31st day of July, 2020.



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RESPECTFULLY SUBMITTED this 31st day of July, 2020.

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